

# Senate Study Bill 1040

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED CIVIL RIGHTS  
COMMISSION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the characteristics of a victim of a hate  
2 crime and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1221DP 82  
5 rh/sh/8

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1 1 Section 1. Section 729A.2, Code 2007, is amended to read  
1 2 as follows:  
1 3 729A.2 VIOLATION OF INDIVIDUAL RIGHTS == HATE CRIME.  
1 4 1. "Hate crime" means one of the following public offenses  
1 5 when committed against a person or a person's property because  
1 6 of the person's actual or perceived race, color, religion,  
1 7 ancestry, national origin, political affiliation, sex, sexual  
1 8 orientation, gender identity, age, or disability, or the  
1 9 person's association with a person of a certain actual or  
1 10 perceived race, color, religion, ancestry, national origin,  
1 11 political affiliation, sex, sexual orientation, gender  
1 12 identity, age, or disability:  
1 13 ~~1. a.~~ Assault in violation of individual rights under  
1 14 section 708.2C.  
1 15 ~~2. b.~~ Violations of individual rights under section  
1 16 712.9.  
1 17 ~~3. c.~~ Criminal mischief in violation of individual rights  
1 18 under section 716.6A.  
1 19 ~~4. d.~~ Trespass in violation of individual rights under  
1 20 section 716.8, subsections 3 and 4.  
1 21 2. For purposes of this section, "gender identity" means a  
1 22 person's various individual attributes, actual or perceived,  
1 23 in behavior, practice, or appearance, as the attributes are  
1 24 understood to be masculine or feminine.

### 1 25 EXPLANATION

1 26 This bill amends the definition of a "hate crime" to  
1 27 include an assault, individual rights violation, criminal  
1 28 mischief, or trespass committed against a person or a person's  
1 29 property because of the offender's bias against a person's  
1 30 actual or perceived race, color, religion, ancestry, national  
1 31 origin, political affiliation, sex, sexual orientation, gender  
1 32 identity, age, or disability.

1 33 The bill defines "gender identity" to mean a person's  
1 34 various individual attributes, actual or perceived, in  
1 35 behavior, practice, or appearance, as the attributes are  
2 1 understood to be masculine or feminine.

2 2 The penalties for an assault in violation of individual  
2 3 rights involving a hate crime range from a serious misdemeanor  
2 4 to a class "D" felony and penalties for trespass in violation  
2 5 of individual rights involving a hate crime are classified as  
2 6 either a serious misdemeanor or an aggravated misdemeanor.  
2 7 Penalties relating to the crimes of arson pursuant to Code  
2 8 chapter 712 and criminal mischief involving a hate crime are  
2 9 classified and punished as an offense one degree higher than  
2 10 the underlying offense.

2 11 LSB 1221DP 82

2 12 rh:nh/sh/8